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Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: CC Docket No. 98-67
Notice of Proposed Rulemaking

Dear Sir or Madam:

I hereby submit the enclosed comments in regard to the above referenced matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities. Pursuant to the General Requirements noted on page 40 of the NPRM, please find herein an original and 11 copies of these comments to be distributed to each Commissioner.

In addition, a hard copy of these comments, as well as a diskette version in WordPerfect 5.1 format, has been submitted to Carmell Weathers. A copy of these comments has also been filed with the Commission's copy contractor, International Transcription Services, Inc.

If you have any questions, please contact me.

Sincerely,



Stephen A. Gregory
Member, Interstate Relay Advisory Council

cc: Carmell Weathers, Network Services Division
2000 M Street, N.W., Room ~~235~~ ²²¹, Washington, D.C. 20554

International Transcription Services, Inc.
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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Telecommunications Relay Services)	CC Docket No. 98-67
and Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	
Disabilities)	
)	

Comments of

Stephen A. Gregory

Former Chairman and current member of the State of New Jersey Board of Public Utilities Telephone Relay Advisory Board, current member of the FCC Interstate Relay Advisory Council, and SHHH-NJ, Inc. Advocacy Representative.

I hereby submit the following comments in response to the Federal Communications Commission's **Notice of Proposed Rule Making** released May 20, 1998, known as CC Docket No. 98-67.

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Introduction

The telephone network is taken for granted in today's world and anyone without access to it is severely disadvantaged in all aspects of their life. Many people who are hard of hearing grow up using the voice phone and are accustomed to its convenience and efficiency. As their hearing loss progresses and as they are no longer able to hear well on the voice telephone, the telephone relay service (TRS) becomes an important alternative for them to retain access to the telephone network. However, they cannot help but compare it to the voice system and few of them would grant that TRS is as effective. There is, however, no question that TRS is a life-saver in that it allows them to use the phone and retain a degree of independence. However, most members of the hard of hearing community believe that relay can and should be greatly improved

On January 14, 1997, the Commission released a *Notice of Inquiry (NOI)* seeking comment on ways in which telecommunications relay services for persons with hearing and speech disabilities could be improved. The Commission sought comment on technological advances that could improve the level and quality of service provided through TRS for the benefit of the community of TRS users, and inquired about the effectiveness

of the current TRS regulation. The Commission also sought comment on the impact of competition in telecommunication markets on TRS and whether competition and the provision of TRS might have a positive impact on the quality of that service. Having received comments and reply comments, the Commission promulgated the *Notice of Proposed Rulemaking* to which I respond herein.

Efficiency of Service

A text telephone (TTY) is a machine that employs graphic communications in the transmission of coded signals through a wire or radio communications system.¹ The Federal Communications Commission's rules require TRS providers to be capable of communicating with TTY's in both baudot and ASCII format, at any speed generally in use.² Concurrent with the publication of the Commission's NPRM has been the development in the United States of a baudot transmission protocol which, in speed, is virtually double of the prior slo-baudot transmission protocol also in use. I urge the Commission to recognize that the improved transmission protocol, known in most states as TurboCode® (developed by Ultratec Manufacturing, Wisconsin), but also provided in other

¹ 47 C.F.R. ¶64.601(g).

² 47 C.F.R. ¶64.604(b)(1).

forms by such relay providers as MCI which utilizes a competing format that achieves a very similar result. I urge the Commission to recognize in its proposed rule making the implementation of this new transmission protocol as one which is now in general use. Currently, a number of states, I believe about eight, provide this improved relay transmission. Other states, as their current contracts expire and are going out to re-bid, most always require that relay providers bid service that implements the faster transmission. It is estimated that about 85% of all TTYs manufactured since 1991 are capable of providing the faster speed format. The installed base of faster transmission TTYs increases daily. The FCC should not lose this opportunity, which may not occur again for several years in a forthcoming Notice of Inquiry/NPRM, to recognize the features of today's relay in the United States. As the Commission states in Section 2, Background, Item 8, on page 5 of its NPRM, in an acting Title IV, Congress directed the Commission to ensure that persons with hearing and speech disabilities benefit from technological advances.³ Thus Title IV states that, 'The Commission shall ensure that regulations prescribed to implement

³ 47 U.S.C. ¶225(d)(2); H.R. REP. No. 101-485(II), 101st Cong., 2d Sess. 130(1990) (House Report II).

this section encourage . . . the use of existing technology and do not discourage or impair the development of improved current technology.⁴ As Congress stated, ". . . the provisions of the new Section do not seek to entrench current technology but rather to allow for a new, more efficient and more advanced technology."⁵ Nothing affects relay "efficiency" more than faster transmission.

Since the Commission's current NO1 was released in the spirit of improved relay, this comment urges the Commission to set forth a directive which will ensure that its TRS regulations do not artificially suppress or impair development of transmission technology in the current and emerging TRS landscape.

III. Discussion

A. Coverage of Improved TRS Under Title IV of the ADA

1. Scope of TRS Generally

NPRM Page 8, ¶15

I wholeheartedly concur that the costs of providing interstate "improved" relay services should be reimbursed from the interstate relay fund. It is important that the FCC in its

⁴ 47 U.S.C. ¶225(d)(2).

⁵ House Report II at 130.

rule making make a **declaratory ruling** that improved transmission speed constitutes an improved TRS service so as to permit relay providers to recover the modest cost of implementing this vitally important improvement in relay. Decision makers reviewing these comments should call, for example, Washington, D.C. relay or the NJ State relay service at 1-800-852-7899 using a TTY manufactured after 1991. Doing so with the TC switch on, the decision maker would connect at the improved transmission speed and the user would be able to immediately determine the value of transmission speeds which occur at a rate of up to 100 baud which is more than twice the rate of slo-baudot which is approximately 48 baud.

Making such a declaratory ruling would not be out of line for the Commission. For example, the Commission has tentatively concluded that two services shall be classified as "improved" TRS services which should be recoverable. These are: (a) Speech-To-Speech service, and (b) Video Relay Interpreting service. As of the date of these presents, improved transmission-speed relay is *more widely disseminated* among the states than either the speech-to-speech service or the video relay service. Since the improved speed transmission is already being implemented by many relay providers allowing recovery from the cost of this service will

spur further development of the service. Note well, improved transmission speed benefits a far larger popular than either STS or VRI. Because formerly-hearing, now hard-of-hearing persons are mainly oriented to the hearing world, their telecommunications reach primarily to folks who hear. Improved transmission speeds benefit not only the HOH caller, but also the hearing party on the other end of the line. Thus, faster transmission speeds encourage business intercourse and open employment opportunities as hearing folks suffer reduced exasperation as transmission speeds increase.

NPRM Page 9, (17:

It is important to note the Commission's tentative conclusion that "only services that are mandated by the Commission regulations must comply with the Commission's mandatory standards." Note again that the Commission's rules require TRS providers to be capable of communicating with TTYs at any speed generally in use. The improved service of faster relay transmission has no operational characteristics which make compliance with the current Commission standards infeasible, but rather would seem to fall under the Commission's obligation to support the improved speed.

With regard to the cost incurred for providing the improved speed of relay transmission, the Commission should not become befuddled by assertions from providers that the cost of same would be a prohibitive factor. Newer software and/or modem upgrades are natural occurrences in the relay business and provide for a simple transition to improved speed service. Such costs are easily quantifiable and can be easily factored into the interstate cost recovery guidelines that the TRS fund advisory council will more than likely be working on anyway.

More importantly, using just AT&T as an example, the Commission needs to be aware of the following circumstance. AT&T is currently providing New Jersey (and seven or eight other jurisdictions) with improved speed relay. To do so, it has already outfitted every CA station in its network to provide this service. Providers such as AT&T, through its contracts with the various jurisdictions, have already recovered their cost of the equipment and software which provides faster transmission. Thus, without additional cost, these companies could service the entire nation using existing, already "paid for" equipment. The same may be true for many of the other relay providers.

5. Access to Emergency Services

NPRM Page 19, ¶41

Of particular interest is the contemplation that TRS centers should be required under Commission rules to pass a caller's AN1 to an emergency service operator. Ten days ago, during a thunder storm, a tree in our front yard split and fell on the electric wires which ran in front of our house, laying five electrical wires into a street filled with water. When I attempted to call emergency service using New Jersey relay, I was met by an operator that attempted to reach my local Pitman, New Jersey, Police Department, but was unable to do so. The operator was unable to obtain the phone number for my Police Department from "information" and we spent approximately five minutes on the phone before, in frustration, I hung up. Gratefully, a hearing neighbor across the street had also seen the fallen wires and called the Police Station. However, had this been a life or death emergency, there is absolutely no question that during the pending period of this MPRM a life would have been lost because of the inability of **relay** to pass on a caller's AN1 to the emergency service **operator**.

I urge the Commission to note that the ability to pass forward the AN1 to **an** emergency services operator is the only

successful implementation to solve the problem. For example, I was a member of the Evaluation Committee which evaluated the bids from AT&T, MCI, and Sprint when New Jersey sought a new relay contract approximately 18 months ago. As I recall, the successful bidder, in its evaluation interview with the evaluation committee, promised to provide at each and every CA station in its network a type-written page setting forth emergency phone numbers for each municipality in the state of New Jersey. Since our contractor has centers (for example) in Rhode Island, Pennsylvania, Georgia, Virginia, as well as in New Jersey, it is hard to imagine that the contractor could provide New Jersey emergency service numbers to each of its Rhode Island CA's (or all the others in its network). Since New Jersey is one of 50 states, a paper solution could never be viable for an entire Nation. I urge the Commission to carefully review and scrutinize the current operating procedures given by the TRS providers for handling incoming emergency calls. If technologically feasible, I would urge the Commission to adopt a solution which requires relay to pass on the caller's ANI to emergency services. The watchword should be, "No lives jeopardized, emergency service Now!"

6. Access to Enhanced Services

I note that the Commission apparently defines "audio-text services" as those which connect callers to "recorded information" services. The Commission notes that it is not the function of the enabling legislation to facilitate access to recorded information services. I would urge the Commission to note the functional differences between text services which provide "recorded information" and menu-driven voice instructions which require an interactive response from the calling party. Obviously, there is a huge difference, a difference with distinction. To persons using telecommunications, there is a vast difference between receiving "recorded information" from an audio-text service, and responding to menu-driven voice instruction. The Commission should note the difference.

NPRM Page 20, (44

The Commission writes, 'AT&T states that the current TRS platform cannot effectively interact with the prompts and **time** limits built into many 'enhanced service' applications". In this regard, AT&T may be employing the words "enhanced service" only for the purpose of hindering the TRS community from having access to a vital and generally available telecommunication service. In effect, the technological solution to answering such a need is an

inexpensive equipment addendum which can effectively interact with the prompts and the time limits built into such telecommunication. AT&T has agreed to provide the New Jersey Relay Advisory Board with a date when they would be able to conduct a trial project addressing the needs of New Jersey's relay users who encounter such voice-driven menu systems. As envisioned, we have asked AT&T to outfit several (two or four) CA stations with audio-tape-recording-devices that would record the menu-driven system as the CA encounters it. After recording, the CA would re-play the recording and type the message to the relay user so the relay user could be familiar with the voice prompts and the menu selections which are required (such as mortgage account number, credit card number, expiration date of credit card, and so forth). Once the relay user has been made aware of the questions which need to be answered, the CA calls again the menu system and answers the prompts within the time constraints provided. To retain confidentiality after the call is complete, the CA erases the magnetic tape just as the CA video screen is erased at the termination of the call. Thus, where Title IV of the ADA was not intended to mandate access to "enhanced services" which have been defined as "recorded information" services, the Commission must not feel restricted in requiring relay providers

to provide solutions to menu-driven-voice-instructions which require a **response** (as opposed to just providing recorded information). This solution will allow the Commission to meet its mandate of providing functionally equivalent service and dispel all concerns about technical limitations. The meager cost of equipment to provide this functionally-equivalent service would, of course, be reimbursable through the Interstate TRS Fund administered by NECA.

B. Mandatory Minimum Standards

1. Speed-of-Answer Requirements

NPRM Page 22

The Commission proposes to revise its speed-of-answer rules to require TRS providers to answer 85% of all calls within 10 seconds by a CA prepared to place the call to place the TRS call at that time, is a rule that many, including this commentor, would rapidly embrace. Calculating compliance on a daily basis will assure that each and every Relay Center will be staffed to the appropriate minimum requirements to provide functionally equivalent telecommunications. No doubt, the relay providers will complain about the proposed rule on account of the additional staffing requirements needed to implement such a rule. However, that is just the sort of problem that the Commission

needs to address. The practice of having calls answered by an automated system either at a switch, a call-management platform, or the TRS center and placed in que for long periods is totally incompatible with the notion of "functionally equivalent service". Moreover, the practice of calculating speed of answer rates on a weekly or monthly basis ignores the daily demands which customers place on relay. Allowing the averaging of both low use and busy TRS periods compromises the functionally equivalent services which relay users are entitled to enjoy on a daily basis.

The Commission's proposal to calculate the ten-second speed of answer time frame from the time the call initially arrives at the TRS provider's network is laudable. The proposed rule will tighten up on any practice which compromises the relay users rapid access to telecommunications.

2. CA Quality and Training

NPRM Page 25

The Commission is considering establishing a minimum typing speed for CA's. The Commission has tentatively concluded, however, that a federal rule imposing a minimum typing speed for CA's is not appropriate at this time. The tentative conclusion is based upon a concern that imposing a federal standard could

actually harm TRS users by constraining the labor pool for CA's and, therefore, adversely impact the ability of relay providers to offer services on an around the clock basis. I would urge the Commission to be aware that AT&T, for example, while it argues against adopting qualitative typing speed for CA's, advertises a 60 word per minute typing standard for its customers. Obviously, this provider has been able to attract, train, and retain a sufficient labor pool of experienced CA's to be able to advertise such a standard. The Commission should be careful to review what is **actually going on in the marketplace** and the advertising claims of the providers rather than just blindly accept assertions from the providers as they relate to CA typing speed. Clearly, a standard is needed, and if the labor market is "constrained", a more competitive salary scale, reimbursed through the NECA fund, would no doubt attract quality CA's which the relay community needs.

c. **Competition Issues**

1. **Multivendoring**

NPRM Page 28

The Commission has concluded not to propose to require intrastate TRS multivendoring at this time, a wise decision. Notwithstanding the great benefits that derive from increased

competition, the Commission should be aware of the interactive nature of its proposed ruling to implement 711 "direct connect" dialing versus the technical difficulties of reaching a variety of vendors through the device of single number dialing. No doubt, technology would allow development so that any individual relay user could pre-select their preferred relay provider through a telephone number "profile" so that when the user dialed 711 they would reach the relay provider of choice. However, the Commission is urged to withhold implementation of multivendoring so that states first have an opportunity to implement "direct connect" without incurring undue technological duress on account of having to factor in multivendoring. It is suggested that ultimately the Commission would want to implement a rule in support of multivendoring, but not until such time as its "direct connect" 711 procedure has been implemented. Far more important to the relay community is ease of use and speed of access, much more so than multivendoring. The Commission can see this in the wildfire adoption of the improved transmission speeds which are currently sweeping the nation. People want to be able to reach relay immediately. However, people who do not hear or speak well need to be able to offer their hearing friends and associates an easily remembered relay number. These are much more important

goals than the multivendoring goal which does have an ultimate place in intrastate relay.

NPRM Page 30, ¶67

The Commission invites comments on the allegations that a single vendor model is inefficient and provides substandard TRS. The particular point under consideration is whether or not a single vendor environment and "problems with TRS quality" go hand in hand. I would urge the Commission to note that "problems with TRS quality" are typically gaged by the number of complaints received by relay administrators. By and large, the Commission needs to note that members of the public who use relay are generally conditioned to living with a disability and are not accustomed to utilizing a complaint process. What this means is that public utility administrators frequently are not really aware of the problems which exist with relay within their particular administrative district. It is only when there is an active, informed community, such as witnessed in Massachusetts in early 1998, that the public can have a direct impact on relay through the complaint process. It is important for the FCC to recognize the role that advocates play in advancing relay and addressing the problems which the relay community generally suffers.

D. Enforcement and Certification Issues

NPRM Page 33, ¶75

The Commission tentatively concludes that states should notify the Commission whenever there is a substantive change in their state TRS program. Such a rule will help the Commission understand advancements and of improvements in relay services. Today, the Commission relies upon a Notice of Inquiry (NOI) and Notice of Proposed Rule Making (NPRM) process in order to receive comments and discern technological developments in the relay marketplace. Requiring states to notify the Commission of substantive changes within 60 days would allow the Commission to stay current on an "as changed" basis, and become increasingly aware of developments as they occur in the nation.

Unfortunately, the Commission has tentatively concluded that "substantive changes" are defined as only several items listed in paragraph 75. I would urge the Commission to specifically list "changes in technology" as they are implemented within a given state so the Commission can monitor advancements as noted above.

NPRM Page 34, ¶76

The Commission seeks comments asking to be provided with data on the number of TRS complaints received by state administrators and providers since 1993. I would urge the

Commission to mandate that similar information be provided to the Commission on an annual basis on the anniversary of the relay provider's certification so that at subsequent certifications, the Commission will have on file the complaints that have been incurred during the term of the preceding certification. Thus when a state applies for on-going certification, the Commission can determine that a state has appropriately addressed the complaints that had been lodged during the prior certification.

E. Other Issues

NPRM Page 35, ¶78

The Commission has received recommendations from a number of parties establishing an advisory committee to monitor relay quality issues or to expand the role of the Interstate Relay Fund Advisory Council to allow that body to also consider relay quality issues. As a member of the Interstate Relay Fund Advisory Council, I have read several years' past minutes of the work of the Interstate State Fund Advisory Council, and note that relay quality issues have been a continuing concern of my predecessors who have served on that Council. Having attended only one meeting as a member of the Advisory Council, I left the meeting with the clear impression that the Interstate Advisory Council distinctly felt that relay quality issues could and

should be addressed through funding of equipment, and other items that are provided for in the funding mechanism. I would urge the Commission to give official recognition of the ability of Interstate providers to offer improved services by equipment upgrade that can be reimbursed through NECA. To a large extent, interstate relay quality is directly related to intrastate relay quality because the same CA's and the same RC's handle the calls. Therefore, to the extent that relay providers are encouraged to update their service, replace obsolete equipment, and address software problems, the Commission can promote attention to quality. It would appear that the Interstate Relay Advisory Council, through its funding mandate, has indeed an opportunity to address interstate relay quality issues as they become manifest. I propose that the Commission should recognize that the Interstate TRS Advisory Council has a function with regard to relay quality issues, and ask the Commission to address this natural function in the mission statement under which the Interstate Relay Fund Advisory Council operates.

NPRM Page 38, ¶79

The Commission notes that it may address the issue of the v.18 protocol in a separate rule making exploration. I commend the Commission for taking a long-sighted view with regard to goal

of allowing people in the United States who do not hear or speak well to contact people outside of the United States. It is believed that the v.18 standard may achieve this worthy worldwide goal.

I appreciate the opportunity to comment on these very important issues and thank the FCC for its commitment to relay. Please contact me if there is any question.

Respectfully submitted,



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July 15, 1998